

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**

Case No. 9:23-cv-81373- MIDDLEBROOKS-MATTHEWMAN

CONSUMER FINANCIAL PROTECTION BUREAU
Plaintiff,

vs.

FREEDOM MORTGAGE CORPORATION,
Defendant.

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**JOINT STATUS UPDATE REGARDING DEFENDANT’S PENDING MOTION TO
COMPEL DISCOVERY OF INFORMATION REGARDING CIVIL MONEY
PENALTIES**

Plaintiff Consumer Financial Protection Bureau (“Bureau”) and Defendant Freedom Mortgage Corporation (“Freedom”) (jointly, “the Parties”) submit this Joint Status Update addressing Freedom’s Motion to Compel Discovery of Information Regarding Civil Money Penalties. Dkt. 64. The Parties are submitting this Joint Status Update in accordance with the Court’s Paperless Order Expediting Briefing. Dkt. 77. The Parties state as follows:

- Freedom sent a letter to the Bureau on May 7, 2024, requesting that the CFPB supplement its discovery related to civil money penalties, Dkt. 79-3;
- Pursuant to Local Rule 7.1(a)(3), and paragraph 1 of the Court’s Order Setting Discovery Procedure, the Parties met and conferred in good faith about this discovery dispute on May 13, 2024, via video conference;
- The Bureau then also responded to Freedom’s May 7 letter on May 13, 2024, Dkt. 79-4; and

- Pursuant to Local Rule 7.1(a)(3), and paragraph 1 of the Court's Order Setting Discovery Procedure, the Parties again met and conferred in good faith via video conference on May 20, 2024.

During the Parties' May 20 conferral, Freedom counsel identified that Freedom continues to seek, through its Interrogatory No. 12, a calculation of the applicable statutory maximum penalty under 12 U.S.C. § 5565(c)(2), and additional information concerning the statutory factors in 12 U.S.C. § 5565(c)(3). Bureau counsel noted that, in addition to its response to Interrogatory No. 12, Freedom received information about the Bureau's position regarding an appropriate civil money penalty amount, and the application of relevant statutory factors under 12 U.S.C. § 5565(c)(3), in its motion for summary judgment. Freedom counsel also confirmed that Freedom is seeking both a supplemental answer to Interrogatory No. 12 as well as testimony from the Bureau's corporate witness on the Bureau's policies regarding civil money penalties.

The Bureau's Opposition to Freedom's Motion (Dkt. 79) and Freedom's Reply (Dkt. 81), which further address the Parties' respective positions concerning these issues raised in Freedom's pending Motion, have now been filed in accordance with the Court's Order Expediting Briefing. Dkt. 77.

It is Freedom's position that Interrogatory No. 12 seeks the same information as Freedom was seeking through a compelled supplement to the Bureau's Initial Disclosure made pursuant to Federal Rule of Civil Procedure 26(a)(1)(A)(iii). For that reason, Freedom will not continue to pursue its Motion to Compel with respect to the Bureau's Initial Disclosures. Accordingly, the issues before the Court on the Motion to Compel are now narrowed to: (1) whether to compel the Bureau to provide a supplemental answer to Interrogatory No. 12; and (2) whether to compel the Bureau to make its corporate witness available to give deposition testimony regarding the

Bureau's policies on civil money penalties pursuant to Federal Rule of Civil Procedure 30(b)(6).

Dated: May 23, 2024

Respectfully Submitted,

/s/ Herman J. Russomanno

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